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NSC STAFF FOR SINGH

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TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [EG](#)
SUBJECT: EGYPT: UPDATE ON THE AYMAN NOUR CASE

REF: CAIRO 1809

Classified by ECPO Minister Counselor Michael Corbin for reasons 1.4 (b) and (d).

11. (C) Summary: Ghad Party sources advise us that, despite some reports to the contrary, imprisoned opposition leader Ayman Nour is not facing an immediate threat to his health or welfare. However, they assert that prison authorities are making life more unpleasant for him, apparently in retaliation for his defiant attitude. The Ghad Party released on April 17 an "SOS" memo from Nour addressed to human rights organizations in which Nour alleges multiple violations of his constitutional and human rights. The new attention to Nour's situation comes in the run-up to his May 18 appeal hearing. Ghad contacts tell us they are worried that the judge assigned to hear his appeal has been handpicked by the GOE and will uphold the conviction. U.S. and foreign diplomatic efforts to visit Nour in prison are continuing, but without success so far. End summary.

12. (C) Ayman Nour's wife, Gameela Ismail, Hisham Kassem, Party Vice President, and Wael Nowara, Party Secretary-General, each discussed with poloff April 13-14 the

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condition of imprisoned party leader and recent developments in his case. They asserted that Nour, resident in the Torah Prison infirmary due to his diabetes and heart condition, is not facing an immediate health crisis. However, they said his treatment in prison has taken a turn for the worse in the past ten days. They offered three specific claims about his treatment:

-- Nour's writing materials have been confiscated and he has been told he will no longer be allowed to publish his column in the Ghad Party newspaper;

-- Nour's ward in the infirmary has become crowded with "sick AIDS patients" and people with "infectious skin conditions";

-- Prison authorities "falsely" claimed that Nour attempted suicide (interpreted by Nour's supporters as an indirect death threat);

13. (C) On April 17, the Ghad Party circulated a memorandum addressed to "human rights organizations" from Ayman Nour which expands on these complaints and ties them to articles of the Egyptian constitution and prison regulations. In addition to the complaints noted above, the document charges that prison authorities have interfered with or obstructed Nour's right to correspond with family and legal counsel and his right to present written complaints to prison authorities and the judiciary. The memo closes with demands that the prosecution send investigators to prison to look into his

complaints, that all his confiscated papers be returned, and that authorities involved in violating his rights be questioned for possible prosecution.

¶4. (C) As reported reftel, the Cassation Court will hear Nour's appeal on May 18. Both Gameela and Kassem told poloff that they (and Nour himself) are deeply concerned by the assignment of Judge Salah al-Bory to hear the appeal. They noted that Al-Bory was also chosen by the Supreme Judicial Council (whose members are appointed by the executive) to participate in the investigation of activist Judges Club members accused of defaming their colleagues by revealing instances of fraud and manipulation in the fall 2005 parliamentary elections. Citing this fact, and the earlier assignment of the infamous Judge Abdel Salam Gomaa, who convicted Nour in the initial trial (and twice convicted Saad Eddin Ibrahim of "defaming the state"), Gameela and Kassem worried that Bory had been specially chosen to ensure that Nour's appeal does not receive a favorable hearing.

¶5. (C) Comment: We cannot independently verify the claims regarding Nour's treatment, but our Ghad party contacts are convinced that steps are being taken to retaliate against him for his defiant attitude against his jailers and the Mubarak regime more broadly.

¶6. (C) The Embassy submitted on April 17 a request for Senator Christopher Dodd to visit Nour in prison during his upcoming visit to Egypt, and we continue to pursue requests for emboffs to visit Nour. Meanwhile, a joint request for diplomats from Canada, Australia, Switzerland, and the U.S. to visit Nour, appears to be stalled. The request, submitted by the Canadian Embassy to the Public Prosecution was forwarded to the Egyptian Ministry of Foreign Affairs. An MFA officer told Canadian Emboff that the request could not be granted because Egyptian law allows "only family members and lawyers" to visit prisoners. We note that the practice was different in the Saad Eddin Ibrahim case, when Ambassadors from many western countries were allowed to visit him in prison. End comment.
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